IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 8384/2004

SUMER SINGH Vs. STATE OF RAJASTHAN & ORS.

DATE: 10.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Lokesh Sharma for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State
Mr. Arvind Soni for the respondents.

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The petitioner being a Khadetar tenant of the part of a revenue land of Khasra No. 68 situated at Village Mored, Tehsil Makrana, District Nagaur, submitted an application for grant of quarry license on 01.05.2002 along with the requisite fee and also submitted no objection certificate issued by the Tehsil Makrana and a certificate issued by the Deputy Conservator of Forest, Nagaur.

The quarry license No. 3/02 for an area measuring 1999.2 Sq. Mtr. was registered in favour of the petitioner by the Mining Engineer and thereafter the proposal was sent to the Director, Mines and Geology, Udaipur as the area applied for was less than the requisite area. The aforesaid proposal was then sent to the State Government for relaxation as per

rules and the State Government granted relaxation vide its order dated 20.05.2003 subject to final adjudication of the civil suit No. 11/2003 pending before the Court of Civil Judge (Sr. Division) & Additional Chief Judicial Magistrate, Makrana.

This writ petition is directed against the order impugned dated 30.06.2004 passed by the State Government, by which the relaxation granted earlier vide order dated 20.06.2003, has been withdrawn on the ground that the petitioner is not fulfilling the requisite conditions and in view of the ratio decided by the Division Bench of this Court in D.B. Civil Writ Petition No. 2175/2003 dated 12.05.2003, the relaxation which was provided under Section 12 of the Marble Policy, 2002 has been withdraw and this withdrawal order is under challenge in the present writ petition on the ground that once relaxation is accorded, cannot be withdrawn and further the petitioner submits that he is only discriminated whereas other similarly situated persons are given relaxation which has not been withdrawn by the respondents.

Learned Govt. Advocate Mr. Chhaba, appearing for the State submits that the State Government is empowered to grant relaxation and can withdraw the same as per Rule 65 of the Rajasthan Minor Mineral

Concession Rules, 1986 in the event of not fulfilling and not complying with the conditions as stipulated in the Marble Policy.

Learned counsel Mr. Soni, appearing for the private respondents submits that the relaxation was granted subject to decision of the civil suit and the same is still pending between the parties.

I have heard rival submissions of the respective parties and have also gone through the relaxation order granted to the petitioner dated 20.06.2003 as well as the withdrawal order dated 30.06.2004.

It is clearly indicated in the order that the petitioner has not fulfilled the requisite conditions, therefore, the relaxation granted earlier, has been withdrawn and the Government is fully empowered to withdraw the same. Thus, I find no illegality in the impugned order of withdrawal of the relaxation and also do not find any merit in the writ petition.

Consequently, the writ petition fails being devoid of merit and the same is hereby dismissed.

(K.S. RATHORE),J.

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